

COMMENTS/QUESTIONS TO SOLICITATION

PWS REFERENCE	PARAGRAPH TITLE		CONTRACTING OFFICER'S DIRECT RESPONSE TO QUESTIONS/COMMENTS FURNISHED TO ALL OFFERORS VIA AN AMENDMENT NOT JUST THROUGH CHANGES IN RFP
C.1.4.1.	WORK RESPONSIBILITY	Must SP comply with applicable laws, etc. in effect at the time of award or will the contract be modified as laws, etc. are updated or revised throughout the life of the contract/MOU?	The PWS requires the work to be performed in accordance with all applicable laws . When a law changes it isn't applicable anymore. The new law becomes applicable. The PWS, and the law for that matter, requires all people within the boundaries of the country, state, or local jurisdiction to abide by the law. Changes in laws that do not affect the scope of work required by the contract will not require a modification. Changes that would affect the cost of fixed bid items will require a modification. Standard contract clause 52.243, Changes, covers this
C.1.4.3.2.	NORMAL HOURS OF OPERATION	States the Government has the option to permanently change the hours and days of operation. How does the Government propose to process these changes?	This will be done in the manner prescribed in contract clause 52.243-1, Alt 1, Changes-Fixed Price (Aug 1987) Alt 1 (Apr 1984)
C.1.5.2.2./SECTION H KEY PERSONNEL REQUIREMENTS	NOTIFICATION OF ON-SITE SP PROJECT MANAGER(S) AND ALTERNATE(S)	Does MEO submit PD's in lieu of resumes for key personnel? Section H was changed but the referenced paragraph in the PWS was not changed.	See Amendment 0006, which explained what was required of the MEO. PWS 1.5.2.2 has been revised by Amendment 0007
C.1.6.3.2.	LEVEL II AND LEVEL III	Define the amount of Level II work that is SCA by craft, category and by priority.	The current bid schedule dictates that all Level II & Level III work will be construction, All service work is covered in the fixed price items.
C.1.6.3.2.1.	LEVEL II	Explain why Level II work <\$2000.00 or less than 32 hours per DFARS 222.402-70 is not subject to the Service Contract Act Wage Rates in lieu of the Davis Bacon Wage Rates.	See Amendment 0006, which added the requirements for C.1.6.3.2 which means it also applies to all flow down paragraphs unless otherwise stated.
C.1.6.4.5.	RESPONSE AND COMPLETION	Solicitation does not quantify workload by craft or level of work.	This is not possible given the limited amount of historical data available. The Government has no records that can be sorted in this manner.

COMMENTS/QUESTIONS TO SOLICITATION

C.1.6.9.	WORK ORDER PROCESS	Logic error in flow chart shown on Page 17 of the PWS. If cost estimate may be requested for Level II work - that function should be reflected in the flow chart as is shown for Level III work.	Level II work is included in the block that reads, Level III or Customer Requested Estimate . Answer the question. Does the customer request an estimate for a Level II work order? If the answer is yes, then proceed down the right side of the chart as you would for a level III work order
SECTION B/SECTION C	INSTRUCTIONS FOR BID SCHEDULE/PWS	States SP shall operate in accordance with 1-PWS; 2-all terms and conditions identified by reference and in full text; 3- all attachments and technical exhibits and publications and 4-the schedule and prices of this contract. This statement conflicts with FAR Clause 52.215-8 - Order of Precedence - Uniform Contract Format that is included in Section I by reference. 52.215-8 lists order of precedence as follows: a) the schedule; b) representations and other instructions; c) contract clauses; d) other documents, exhibits and attachments and e) the specifications. Please clarify which governs.	The information listed in the Bid Schedule is for information purposes only, not as an order of precedence. FAR 52.215-8 will govern as to Order of Precedence
SECTION B	SCHEDULE/PRICING	Statement in parenthesis "This excludes any wage increases required by the Department of Labor" appears to conflict with requirement to escalate SCA labor costs in option years in L.5.1.1. Until the option years are exercised and new SCA wage decision is added to a contract how can any offeror assume at what rate to escalate SCA hourly rates? Also COMPARE automatically computes costs such as basic pay, fringe benefits, insurance, INFLATION, FTE's, cost of capital, depreciation, minor item replacement, overhead, severance pay and federal taxes.	Offeror's (excluding Agency Tender) are required to submit escalated pricing for the option years. As stated in FAR Part 17, the Contracting Officer shall evaluate offers for any option quantities or periods contained in a solicitation when it has been determined, prior to soliciting offers, that the Government is likely to exercise the options. The Government fully intends to exercise these options, if the SP's performance warrants such. Further, if the awardee can show that their escalated pricing for labor rates was less than the updated SCA wage determination, which is added when the option year is exercised, the awardee is entitled to an equitable adjustment.
BIDDING SCHEDULE			
CLIN 2003	PERFORM DPW UNSCHEDULED TASKS T&M	Solicitation states 1st Opt Yr in lieu of 2nd Opt Yr.	Concur: Correction will be made. See Amendment 0007.

COMMENTS/QUESTIONS TO SOLICITATION

CLIN 4003	PERFORM DPW UNSCHEDULED TASKS T&M	Solicitation states CLINS 4003 & 4004 in lieu of CLINS 4002 & 4003.	Concur: Correction will be made. See Amendment 0007.
SECTION B			
SECTION B	SCHEDULE/PRICING	Upon review of Davis Bacon Rates MS and NH sites it would appear numerous disciplines listed in the T&M portion of the bidding schedule are not listed in the rates (Ex: Carpentry Worker listed in bidding schedule when only carpenter is listed in wage rate). Will the Government amend the solicitation to reflect more accurate disciplines such as laborers?	No. The contract only requires that a carpenter worker be paid at the laborer's rate. This rate is a minimum requirement. The disciplines listed represent the functions required under this A76 competition.
SECTION B	CLIN 0003	States period of performance begins at the conclusion of the 180 day Phase-in Period (CLIN 0001, 0001AA and 0001AB). Section F states phase-in period is 120 days. Also PWS C.1.23.F.1)3) states....final days of the phase in period and during the first 6 months of performance.... (which appears phase-in is 180 days). Please clarify.	Phase-In period is 180 days. Correction will be made in Amendment 0007.
SECTION B	CLIN 0004	States period of performance begins at the conclusion of the 180 day Phase-in Period (CLIN 0001, 0001AA and 0001AB). Section F states phase-in period is 120 days. Please clarify.	Phase-In period is 180 days. Correction will be made in Amendment 0007.
SECTION E	INSPECTION AND ACCEPTANCE TERMS	If information for all CLINS to be included in solicitation and all information is exactly the same for each CLIN to save excessive use of pages request the information be listed once and reference all CLINS.	The DoD Mandated Contracting System, (PD2), does not allow this change; however, an attempt will be made to consolidate.
SECTION F	CONTRACT PERIOD (Option Years)	States in paragraph (a) The first 120 days of the contract will include the phase-in period. What is the actual phase-in period of performance? See CLINS 0003 and 0004.	Phase-In period is 180 days. Correction will be made in Amendment 0007.
SECTION F	DELIVERY INFORMATION	Is it necessary to list this information for each CLIN in this Section when the information is listed on the CLIN in the bidding schedule for the FFP portion.	The DoD Mandated Contracting System, (PD2), does not allow this change; however, an attempt will be made to consolidate.

COMMENTS/QUESTIONS TO SOLICITATION

SECTION H	CANCELLATION OF SERVICES	States in 3rd sentence: All reductions of effort shall be negotiated with the contractor for a reduction of funds and shall include a reduced award fee pool commensurate with the amount of fee proposed for the effort. It would appear this paragraph is for an award fee type contract. Paragraph should either be deleted or amended to reflect type of contract intended by the government.	3rd sentence of the provision will be deleted. Correction will be made in Amendment 0007.
SECTION H	YEAR 2000 COMPLIANCE	FAR 39.106 referenced in the clause is for acquisitions of IT equipment. Does this apply to the proposed solicitation and if so how?	Intent is that any equipment that connects to a Government network, which may be used by the SP, shall be Year 2000 Compliant. The provision will remain in the contract with a modification to remove reference to Architect-Engineer contracting.
SECTION H	REQUIRED INSURANCE FOR GVT INSTALLATION & DREDGING	Since there are no dredging requirements in this solicitation any references to dredging should be deleted from this paragraph.	Dredging requirements will be removed. Correction will be made in Amendment 0007
SECTION I			
SECTION I	LIQUIDATED DAMAGES	If liquidated damages are to assessed under resulting contract for services and minor construction shouldn't the solicitation also include FAR Clause 52.211-11 - Liquidated Deductions - Services?	No. Liquidated Damages will only be assessed for the T&M/Construction portion of the contract. LD's will be stated in individual delivery orders.
SECTION I	FAR CLAUSE 52.216-18 ORDERING	Fill in's of clause not completed	Fill-Ins have been completed. Correction will be made in Amendment 0007.
SECTION I	FAR CLAUSE 52.232-19 AVAILABILITY OF FUNDS FOR THE NEXT FISCAL YEAR	Does this indicate that FY05 and FY06 funds are currently available? Should the solicitation include Clause 52.232-18?	Funds are available for the firm fixed-price portion of the contract. Individual delivery orders will be funded as they are issued.
SECTION I	FAR CLAUSE 52.222-43 - FAIR LABOR STANDARDS ACT AND SERVICE CONTRACT ACT--PRICE ADJUSTMENT (MULTIPLE YEAR AND OPTION CONTRACTS)	Shouldn't this clause be included in the solicitation as prescribed by FAR 22.1006(c). Inclusion or exclusion of this clause has a direct relationship in the manor in which COMPARE generates costs.	FAR Clause 52.222-43 will be added to Section I. Addition will be made in Amendment 0007.
SECTION J	DAVIS BACON ACT WAGE DETERMINATIONS	Has the Contracting Officer requested up-to-date DBA wage determinations? Numerous disciplines in these determinations are 10-15 years old.	Up to date/revised Department of Labor Service Contract Act and Davis Bacon Act wage determinations are incorporated into the contract as they are issued. There are no wage determinations in this contract that are older than 2004.

COMMENTS/QUESTIONS TO SOLICITATION

SECTION K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	Solicitation should clearly state this section does not apply to the Agency Tender.	Amendment 0006 indicated in Section L, L.5.1.4, TAB E, that the Agency Tender is exempt from submitting Section K.

COMMENTS/QUESTIONS TO SOLICITATION

SECTION L			
SECTION L & BIDDING SCHEDULE	FAR CLAUSE 52.216-1 TYPE OF CONTRACT	Clause states the Government contemplates award of a Firm Fixed Price/Time and Materials Indefinite Delivery/Indefinite Quantity contract. There are references to incentive type contracts in the solicitation that conflict with this clause. If not a Firm Fixed-Price Incentive contract contemplated do the T&M CLINS include a ceiling price? If applicable doesn't the Government establish the ceiling price in the solicitation? IAW FAR 16.601(c)(2) - T&M contract may be used only if the contracting officer includes a ceiling price that the contractor exceeds at its own risk.	The Time and Material portion of this contract (i.e., construction work required under Level I and Level II) will be issued as Delivery Order work. Ceiling price will be established on each individual delivery order.
SECTION L	FAR CLAUSE 52.207-2 NOTICE OF COST COMPARISON	Does this clause conflict with the revised OBM A76 Circular Revised in 2003? If clause is applicable paragraph (c)(2) should be completed.	FAR Clause 52.207-2 will be deleted. See Amendment 0007
SECTION L	EVIDENCE OF AUTHORITY TO SIGN BIDS/PROPOSALS	This paragraph should address the ATO as authorized signatory official for the Agency Tender.	This information will be added to the provision. See Amendment 0007.
SECTION L.1.2.	AGENCY TENDER	Solicitation must clearly state agency tender is not required to include: labor strike plan; small business strategy; subcontracting plan goal; participation of small disadvantaged business; licensing or other certification and past performance information. Some of these items are covered in different areas of the solicitation but to have them clearly listed in this section would ensure all interested parties understood what the Agency Tender would include and exclude.	Since this RFP is a Small Business Set-Aside, there is no requirement to include references to small business strategy, subcontracting plan goal, or participation of small disadvantaged businesses. Paragraph will not be revised. Also see Section L.2.5.
SECTION L.3	ADVISORS	If USACE obtained Non-Disclosure statements from the advisors listed in the solicitation wouldn't these statements also apply to the Agency Tender since the ATO is a Government employee?	The Agreement referenced in Section L.3.2 are between the offeror and the advisors listed in L.3.1. This is to ensure the offerors information is protected from unauthorized use or disclosure for as long as it remains proprietary and to prevent the advisors from using the information for any purpose other than that for which it is furnished. This statement applies to all offerors, to include the Agency Tender.
SECTION L.4.1.	PROPOSAL FORMAT	If there is discrepancy between the written proposal and the CD-ROM which takes precedence?	The proposal takes precedence. Statement has been added to Section L.4.1. See Amendment 0007.

COMMENTS/QUESTIONS TO SOLICITATION

SECTION L.5.1.	VOLUME I - THE CONTRACT PRICING PROPOSAL	States the offeror shall provide the following information:.....Section K... this section should clearly state Section K is not required my the Agency Tender.	Information has been added as to the submission requirements of the Agency Tender. See Amendment 0007.
SECTION L.5.1.1.	VOLUME I - THE CONTRACT PRICING PROPOSAL	Clarify if the Government is requiring offeror's, other than the Agency Tender Official, to escalate prices subject to SCA in each option year. If so it would appear to conflict with instructions in Section B and 52.242-43.	Offeror's (excluding Agency Tender) are required to submit escalated pricing for the option years. As stated in FAR Part 17, the Contracting Officer shall evaluate offers for ay option quantities or periods contained in a solicitation when it has been determined, prior to soliciting offers, that the Government is likely to exercise the options. The Government fully intends to exercise these options, if the SP's performance warrants such. Further, if the awardee can show that their escalated pricing for labor rates was less than the updated SCA wage determination, which is added when the option year is exercised, the awardee is entitled to an equitable adjustment.
SECTION L.6.6.2.	Key Personnel Qualifications	Shouldn't changes in key personnel be made only if revised proposals are required by the Government?	Paragraph beginning "In the event the offeror becomes aware.....", will be removed in Amendment 0007.
SECTION L.8.5.;SECTION M	PAST PERFORMANCE/PAST EXPERIENCE EVALUATION CRITERIA	The solicitation defines past performance and past experience as two distinctly different entities. IAW FAR 15.305(2)(iv) "In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance. Past experience should not be placed in the same category as past performance. Past experience goes to determining the responsibility of an offeror to perform IAW FAR 9.104-1.	Refer to Amendment 0006, which clarified how Past Performance and Past Experience will be evaluated. Further Amendment 0006 also indicates that Past Performance and Past Experience submission is not required as a submission for the Agency Tender.
SECTION L.7.2.	TECHNICAL VOLUME	States the offeror's proposal shall address task requirements to the fourth level of the WBS/PWS. Clarify this requirement.	For example, offeror shall address task requirements down to C.5.4.5.1.

COMMENTS/QUESTIONS TO SOLICITATION

SECTION M	EVALUATION FACTORS FOR AWARD	IAW Solicitation Amendment 0005 this Section is replaced in its entirety. With this amendment FAR Provision 52-217-5, Evaluation of Options, appears to have been removed. IAW FAR 17.208(c) this provision should be included in this solicitation.	Amendment 0006 indicated that Section M had been revised and that a new Section M was attached to signify the changes. FAR Provision 52.217-5 was not deleted. It remains in the RFP. The intent of the change was that only the written portion of the Factors to be Evaluated were replaced.
TECHNICAL EXHIBIT TE-6	DATA ITEM NO. 16	TE-6 states subsequent submittals frequency shall be 5 CALENDAR days prior to start date of any new hire. PWS paragraph 1.7.5. States subsequent requests for badges will require a completed form to be submitted to the Security Office 5 DAYS prior to the actual issuance date. Shouldn't TE-6 and PWS agree?	FAR 2.101 defines "Day" as meaning, unless specified, a calendar day. Hence, TE-6 and PWS 1.7.5 do agree. A new hire is the only one who will need a subsequent submittal.